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Remarks

Reconsideration of the above-captioned application is respectfully requested. This submission presents arguments relating to the patentability of Claims 1-25 and to present new Claim 27, support for which can be found, e.g., on page 6, line 12 continuing to the end of page 7.

Claims 1-3, 5, 6, 8, 10-12, 14, 15, 17-20, 22, 23, and 25, of which Claims 1, 10, and 18 are independent, have been rejected under 35 U.S.C. §103 as being unpatentable over Brodsky, USPN 5,809,471, in view of Allport, USPN 6,097,441. Claims 4, 13, and 21 have been rejected as being unpatentable over Brodsky in view of Allport and Chang, USPN 5,543,851, and Claims 7, 9, 16, and 24 have been rejected as being unpatentable over Brodsky in view of Allport and an online dictionary.

In Brodsky, words are added to a dynamically evolving dictionary, and a user later can speak words that are matched to words in the dictionary for obtaining additional content. While the words that are added to the dictionary are contained in televised content, they are automatically added to the dictionary by the software *and cannot be selected from the closed captioning text itself*. According to Brodsky, a user subsequently selects words in the dictionary by speaking the words or by selecting words from a menu, but not by selecting words *from* the closed captioning itself. There is simply no suggestion in any reference to allow a user to select a word from closed captioning text to access additional content that is related to the broadcast. There is thus no reason in Brodsky to make words within closed captioning text itself appear differently from other words, as set forth in, e.g., Claim 1, because the words in Brodsky are not selected by a human for addition to the dictionary but by a machine instead. For similar reasons, independent Claims 10 and 18 are now patentable. Applicant notes that Allport is used only as a teaching of a remote control

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device that might be used to search dictionary words in Brodsky, and nowhere envisions closed captioning much less selecting words out of the closed captioning.

The examiner appears to agree with everything above, but refuses to allow the claims because "by virtue of words [in Brodsky] appearing in a separate region" of the screen, the words *ipso facto* "appear differently *in* the closed captioning text" (emphasis mine). This argument appears to be internally inconsistent. If the selectable words in Brodsky are, as admitted by the examiner, presented separately from the closed captioning text, then logically it cannot be said (to use Claim 18 as an example) that a user is allowed to select words within the closed caption text by input device manipulation on the closed caption text, or that, to use Claim 1, words "in" the closed caption text appear differently than remaining words in the text.

Applicant offers the following additional comments regarding certain dependent claims. It has been alleged that Brodsky combined with Allport would result in Claim 3, but this is incorrect. Brodsky nowhere mentions remote control devices other than a vague hand wavy statement in its background about devices sought to be replaced by the voice recognition principles of Brodsky, a teaching away if ever there was one, so Brodsky cannot provide the requisite motivation to present a list of content on the display of such a device. While Allport shows a remote with display, there is no mention in Allport of presenting any content lists thereon, so combining Brodsky and Allport would arrive only at what they teach - using Allport to allow a user to enter a search word into Brodsky - but not in Claim 3.

With respect to the rejections based on the cited online document, Applicant is not claiming the use of an online encyclopedia in a vacuum, but rather in a new and unsuggested way. Accordingly, simply citing an online encyclopedia essentially for the proposition that because it exists, it would have been obvious to

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use it in the novel and unsuggested way recited in claims rejected in this section, runs afoul of the requirement that not only must every element be found in the prior art to reject a claim, but also the requisite prior art motivation to modify references to arrive at a claim must be identified, or the *prima facie* case falls.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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